

SECONDARY MUNICIPAL CODE SECTIONS

1369.17 VACANT BUSINESS STRUCTURES.

(a) The owner(s) of any business structure, including but not limited to commercial, industrial and institutional structures, that has become vacant as defined in Section 1361.18, shall within sixty (60) days after the structure becomes vacant register with the Commissioner of Buildings or designee and designate an authorized agent located in Cuyahoga County for each vacant structure. The registration shall remain valid until December 31 of the year of the date of issuance. The owner shall be required to annually renew the registration by January 1 of each subsequent year for as long as the structure remains vacant and shall pay an annual registration fee of one hundred dollars (\$100.00) for each registered structure. The annual registration fee shall not be prorated. The owner shall notify the Commissioner of Buildings or designee within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided by the Commissioner of Buildings or designee for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the structure. The failure of the owner of the vacant structure to obtain a deed for the property or to file the deed with the County Fiscal Office shall not excuse the owner from compliance with this Section 1369.17. Registration under Section 1369.16 of the Codified Ordinances shall not negate the requirements for registration under this Section 1369.17 or any other requirement of Chapter 1369.

(b) The registration statement shall include the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the owner(s) as the authorized agent for receiving, on behalf of such owner(s), notices of violation of City ordinances and for receiving process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or the structure including, but not limited to, notices and processes served in connection with the enforcement of the Business Maintenance Code and the Building Code. The authorized agent must maintain a physical office in Cuyahoga County, Ohio or must actually reside within Cuyahoga County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself or herself as agent. By designating an authorized agent under the provisions of this Section 1369.17, the owner is consenting to receive any and all notices of violations of City ordinances and to receive process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or business structure including, but not limited to, proceedings related to the enforcement of the Business Maintenance Code and the Building Code, by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Commissioner of Buildings or designee in writing of a change of authorized agent or until the owner files a new annual registration statement.

(c) If a foreclosure action has been filed with respect to property containing a vacant business structure, the plaintiff in the foreclosure action shall be required to comply with the provisions of this Section 1369.17 if at least one of the following apply:

- (1) The plaintiff in the foreclosure action is a mortgagee of the property; and/or
- (2) The plaintiff in the foreclosure action has assumed possession or control of the property.

(d) Any plaintiff in a foreclosure action meeting the provisions of Subsection 1369.17(c) herein, shall, in addition to all other requirements of this Section, provide a cash bond to the Commissioner of Buildings or designee, in the sum of Fifteen Thousand Dollars (\$15,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any fees owed and expenses incurred in inspecting, securing, repairing and/or making such building safe by any legal means including, but not limited to, demolition.

(e) An annual administrative fee of One Thousand Five Hundred Dollars (\$1,500.00) will be deducted from the bond by the City for administrative expenses including, but not limited to, the processing, accounting, inspecting, securing, and other related functions inherent in the administration of the foreclosure bond. The fee will be deducted if the bond is in the possession of the City for the entire year, or any portion thereof. This annual fee is in addition to all other allowable expenses or related fines charged off against the bond. The annual fee shall be due January 1 of each calendar year. The first fee shall be prorated based upon the date the plaintiff in a foreclosure action meets the provisions of Subsection 1369.17(c) herein.

(f) In the event the City or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed for the cost of abatement in accordance with Chapter 553, "Abatement of Nuisances," or if the property is subject to a foreclosure bond as set forth in Subsection 1369.17(d) herein, said bond will be drawn upon to cover such costs.

(Ord. 110-2018. Passed 10-3-18.)

1347.01 CERTIFICATE OF OCCUPANCY REQUIRED.

On and after January 1, 1963, no owner, agent or person in charge of any dwelling structure used or designed, or intended to be used, as a two (2) family dwelling, double house or multiple dwelling, and after January 1, 1984, no owner, agent or person in charge of any dwelling structure used or designed or intended to be used as a single-family dwelling shall rent or lease such structure for residential occupancy unless the owner thereof holds a certificate of occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked or otherwise become null and void.

(Ord. 100-1983. Passed 12-19-83.)

1347.02 CERTIFICATE ISSUANCE, CONTENTS, TERM AND REVOCATION.

(a) Application for a certificate of occupancy required by the provisions of this Housing Code shall be made annually by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Commissioner. Such information shall include, but need not be limited to, the name, address and telephone number of the owner of the property, the name, address and telephone number of the agent or person in charge of the property, the address of the property, the number of dwelling units contained in the dwelling structure, and a list of the persons living in each dwelling unit along with their telephone number and the relationship of each person living in such unit. Should any of the required information change during the period for which a certificate is issued, such changes shall be timely conveyed to the Building Commissioner to allow for up-dating of records.

(b) The Building Commissioner may require the submission of a certificate of occupancy stating such information, and he may cause a general inspection of the structure or premises to be made; provided, however, that in the case of a double house or two (2) family house which has all of the separate units occupied by tenants in common, joint tenants, or other co-owners, the Commissioner shall not cause a general interior inspection of the structure other than upon request, complaint or under emergency situations. And further provided that, in situations where one (1) unit of such double house or two (2) family house is owner-occupied, with the remaining unit occupied by those persons identified by Section 1341.15(b) and (c), the Commissioner shall not cause a general interior inspection other than upon request, complaint or under emergency situations.

(c) If a building or other structure is found in compliance with the provisions of this Housing Code, and all other laws, ordinances, rules and regulations applicable thereto, the Building Commissioner shall issue a certificate of occupancy for such building or structure, which shall contain the following information:

- (1) The street address or other identifying characteristics of the building or other structure.
- (2) The name and address of the owner and, if the owner does not reside on the premises, the name and address of the resident agent in charge of the building or structure, and the name and address of the nonresident agent, if any.
- (3) The exact nature and extent of the use or occupancy authorized.
- (4) The period for which such certificate of occupancy is issued.

Such certificate shall not be valid beyond December 31 of the calendar year in which the certificate is issued.

(Ord. 100-1983. Passed 12-19-83.)

(d) The Building Commissioner shall have the power to revoke a certificate of occupancy if any false statement is made by the applicant in connection with the issuance of such certificate; for noncompliance of a structure or its use with the requirements of the Housing Code; if the owner, agent or person in charge of a structure refuses to comply with any applicable provisions of this Housing Code; or if the structure is being maintained or used in such a manner as to constitute a public nuisance. In the event the Building Commissioner determines to revoke a certificate of occupancy for the reason that the structure is being maintained in such a manner as to constitute a public nuisance, the owner of said structure shall have the right to appeal the revocation to the Nuisance Abatement Board of Appeals pursuant to Section 553.08 of the Codified Ordinances and the Notice of Revocation shall advise the owner of the right of appeal.

(Ord. 191-2013. Passed 11-18-13.)

(e) Notwithstanding any other provisions of this Chapter, no certificate of occupancy shall be issued by the Building Commissioner for any structure used or intended to be used for residential occupancy located on a parcel which:

(1) Has a certified delinquent property tax balance or other unpaid liens that appear on the Cuyahoga County Real Property Tax duplicate unless the property owner, agent, or person in charge of such structure provides documentation of being on a Delinquent Payment Plan in good standing with the Cuyahoga County Treasury; or

(2) Has an unpaid balance for nuisance abatement costs imposed by the City pursuant to Subsection 553.10(e) that has not been placed on the Cuyahoga County Real Property Tax duplicate.

If such structure as described above is determined by the Building Commissioner to be occupied by a tenant, the Building Commissioner shall provide notice to such tenant of the rejection of application for the issuance or renewal of a certificate of occupancy. Notice shall be by mail, hand delivery, or posting on the structure. Notwithstanding the requirement of notice provided herein, failure of the Building Commissioner to notify a tenant shall not preclude the enforcement of any provision of this Chapter.

(Ord. 38-2017. Passed 4-17-17.)

1347.03 FAILURE TO APPLY FOR CERTIFICATE; RENEWALS.

(a) The owner of a dwelling structure which subsequently is completed and becomes available for occupancy shall apply for such certificate as soon as practicable, but in no event shall the structure be occupied in whole or in part until such certificate of occupancy has been issued. Failure to so apply shall be deemed to be a violation of this Housing Code and shall subject the owner of the structure to the legal action and penalty prescribed herein.

(Ord. 47-1985. Passed 4-1-85.)

(b) For each twelve (12) month period beginning January 1, 1995, and for each year thereafter, the owner of a dwelling structure requiring a certificate of occupancy shall apply for such certificate on or before December 15 of the year immediately preceding the year in which the certificate is to be issued.

(Ord. 16-1995. Passed 2-21-95.)

1347.04 POSTING AND AVAILABILITY OF CERTIFICATE.

(a) The owner, agent or person in charge of every multiple dwelling structure shall cause a certificate of occupancy to be posted conspicuously at all times at the main entrance of such structure. The certificate shall be provided with a protective covering and shall be securely affixed to the wall.

(b) The owner or owner's agent of a dwelling structure, other than a multiple dwelling structure, requiring a certificate of occupancy, shall have such certificate available on the licensed premises, or otherwise readily available, for exhibition to the Building Commissioner or other authorized City personnel.

(Ord. 100-1983. Passed 12-19-83.)

1347.05 FEES FOR ORIGINAL CERTIFICATE.

(a) An application for a certificate of occupancy for any residential property in the City shall be accompanied by a fee of two hundred dollars (\$200.00) for the first dwelling unit in a building plus fifty dollars (\$50.00) for the second dwelling unit in the building and twenty-five dollars (\$25.00) for each additional dwelling unit in the building. The fee for a newly-rented residential property issued after June 30 of any year for the remainder of the calendar year shall be one hundred dollars (\$100.00) for the first dwelling unit in a building, twenty-five dollars (\$25.00) for the second dwelling unit in the building and twelve dollars and fifty cents (\$12.50) for each additional unit in the building. The fee for any one building shall not exceed the sum of one thousand two hundred twenty-five dollars (\$1,225.00) per year. All fees for certificates of occupancy shall be nonrefundable.

(Ord. 201-2013. Passed 12-16-13.)

(b) Any renewal application received after January 1 of any year shall incur a late fee of twenty-five dollars (\$25.00) per month for each month or portion thereof that the application and/or fee is delinquent. (Ord. 17-2008. Passed 2-19-08.)

1347.06 CHANGES; NEW CERTIFICATE OF OCCUPANCY; FEES.

- (a) If there is a change in the resident agent or nonresident agent as shown by the certificate of occupancy, the owner shall notify the Building Commissioner in writing within thirty (30) days of such change, giving the name and address of the new resident agent or nonresident agent. Failure to notify the Building Commissioner within the specified time shall constitute a violation of this Housing Code. (Ord. 58-1972. Passed 9-18-72.)
- (b) If there is a change in ownership of record, the certificate of occupancy issued under the provisions of this Housing Code to the former owner shall become null and void within thirty (30) days of the recorded date of such change of ownership, and a new certificate of occupancy must be obtained by the new owner. Application for such new certificate of occupancy shall be made not more than thirty (30) days after such change of ownership has occurred, on forms supplied by the Building Commissioner. A fee of fifty dollars (\$50.00) shall be paid upon application for each new certificate. A new certificate shall expire on the same date as that of the certificate which it replaces. (Ord. 10-2011. Passed 1-18-11.)
- (c) Any change in the nature or extent of the use or occupancy as specified on the certificate of occupancy shall render the certificate of occupancy null and void upon the happening of such change. No such change is permissible under this Housing Code unless such change has been approved by the proper City authorities pursuant to this Housing Code, and unless a new certificate of occupancy, incorporating such change, has been issued. Any such change, without the approval of the proper City authorities, will subject the owner, operator or agent to the penalty provided in Section 1345.99.
- (d) A fee of two dollars (\$2.00) shall be paid upon application for each such new certificate. If such change involves the addition of any dwelling units to the number of dwelling units previously authorized, an additional five dollars (\$5.00) shall be charged for each such additional dwelling unit, regardless of the date authorized. Such new certificate shall expire on the same date as that of the certificate which it replaces.

(Ord. 58-1972. Passed 9-18-72.)